NOVA SCOTIA

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED

PROVINCIAL OFFICIALS

REPORT

1 December 1983

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I. INTRODUCTION

In accordance with section 43A of the House of Assembly Act, the Speaker of the House appointed a Commission on September 21, 1983 "to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act."[1]

In the past similar Commissions, in 1969, 1974, 1979 and 1982, appointed by the Lieutenant Governor in Council, have considered and reported on the adequacy of indemnities, allowances and salaries paid under the three statutes and on services for support of the work of Members. The earlier reports were submitted to the Lieutenant Governor in Council, considered by government of the day and various of the recommendations of earlier Commissions were implemented by amendment to the pertinent legislation.

This Inquiry differs somewhat from previous Commissions for section 43A of the House of Assembly Act now provides that the Speaker, upon receipt of the report containing our recommendations "shall cause the recommendations to be implemented and they shall have the same force and effect as if enacted by the Legislature", and "the recommendations shall apply, from the first day of January immediately following the year" in which the report is made.[2]

In light of this and because s.43A authorized "an inquiry and a report respecting the indemnities, allowances and salaries to be paid"[3] under the three statutes, we limit our recommendations in this report to those matters that we consider fall clearly within the words "indemnities, allowances and salaries", and we would expect only those matters dealt with by recommendations would be implemented by the Speaker.

Other matters that have been brought to the attention of, or which have occurred to the commissioners and on which we express an opinion in this report we have classified as proposals, for consideration of the Speaker, Government, Members of the House of Assembly or others concerned

with its work. We have made these proposals in the hope that they will be carefully considered for we believe that they could assist the work of the House or its Members.

In the course of the Inquiry the Commission sought comment, advice and assistance through advertisements and public hearings and by writing to a number of groups and individuals. All Members of the Legislature were contacted and the commissioners met with several and received written comments from others. Not many persons or organizations responded to invitations from the commissioners and to public advertisements. Nevertheless advice and comments were received from party representatives, from officers of the House and from public servants associated with the work of the House and the Executive Council. The commissioners particularly appreciated the contributions of private citizens and organizations that made representations at the public hearings or in written submissions.[4]

Recent information on remuneration and support for legislators in other provinces was obtained from Canadian Legislatures: The 1982 Comparative Study, published by the Office of the Assembly, Queen's Park, Toronto, and from the editors of that annual study Mr. Robert J. Fleming, Director of Administration for the Legislative Assembly of Ontario, and his Executive Assistant Mr. J. Thomas Mitchinson. The commissioners acknowledge the assistance of the editors and of their annual study which greatly facilitates interprovincial comparisons of arrangements prevailing in legislatures across Canada.

The commissioners acknowledge with gratitude the assistance of Ms. Noreen Marshall who served as Assistant to the commissioners, making arrangements for the Inquiry and for public hearings, conducting research and contributing to the preparation of this report.

II. BACKGROUND CONSIDERATIONS

1. Current Indemnities, Allowances and Salaries for M.L.A.'s and Ministers

Under the House of Assembly Act provision is made for payment of annual indemnities and allowances for Members of the House of Assembly, and of salaries to its officers, to the Leader of the Opposition and to the Leader of a recognized party. Salaries for the Premier and for Ministers are provided under the Executive Council Act. The totals of statutory remuneration, indemnities, allowances and salaries, payable in 1983 are set out below.

Table A

INDEMNITIES, ALLOWANCES AND SALARIES FOR M.L.A.'S SALARIED MEMBERS AND MINISTERS IN NOVA SCOTIA, 1983

	Annual Indemnity	Annual Expense Allowance	Annual Salary	Total Remuneration
Member	$18,656	$9,328	$ -	$27,984
Speaker	18,656	9,328	29,150	57,134
Deputy Speaker	18,656	9,328	14,575	42,559
Leader of the Opposition	18,656	9,328	29,150	57,134
Leader of a Recognized Party[1]	18,656	9,328	14,575	42,559
Minister with Portfolio	18,656	9,328	29,150	57,134
Minister without Portfolio	18,656	9,328	7,500 to 29,150	35,484 to 57,134
Premier	18,656	9,328	37,630	65,614

1. There was no recognized third parties in Nova Scotia House of Assembly in 1983

In the course of our Inquiry it was suggested that the indemnity, expense allowance and salaries for Members provided an incomplete picture of remuneration, without reference to committee fees paid to Members. Committee fees are dealt with in this report in our discussion of Remuneration for M.L.A.'s.

In view of controversy concerning remuneration fixed for Members and for Ministers in 1983, it may be useful to review the recent history of arrangements for remuneration. In January 1982, the annual indemnity and expense allowances of M.L.A.'s increased by 5.1 percent in accordance with the provisions of the House of Assembly Act then in force.[5] An earlier Commission reporting in June 1982 after reviewing indemnities, allowances and salaries, in a time of continuing high inflation, recommended a further increase in the indemnity and allowance in 1982 and annual increases thereafter. It also recommended significant increases in salaries for 1982 since these had not increased at all since 1979. The recommendations were not fully implemented, no further increases in indemnities and allowances were taken in 1982, and salaries were left at the level that had been fixed in 1979. However, the statutes were amended in 1982 to provide for implementation of the 1982 Commission's recommendations in 1983. In the latter year, a year of continuing restraint for government, and the private sector, legislation was adopted[6] to keep indemnities, allowances and salaries at a lower level than provided by the House of Assembly Act and the Executive Council Act. In effect indemnities, allowances and salaries were fixed for 1983 by the restraint legislation at levels corresponding to those recommended by the 1982 Commission for the year 1982, which had been foregone by the legislators, plus six percent.

The current level of remuneration was thus determined under the legislation designating 1983 as a year of restraint for Members of the House, but that legislation provides that at the end of the year the Restraint Year Act ceases to be in effect and in 1984 indemnities, allowances and salaries would be those already established in the House of Assembly and Executive Council Acts for that year. The following table sets out levels of remuneration for 1984 specified in those Acts.

Table B

INDEMNITIES, ALLOWANCES AND SALARIES FOR
M.L.A.'S, SALARIED MEMBERS AND MINISTERS IN
NOVA SCOTIA SPECIFIED IN THE HOUSE OF ASSEMBLY ACT
AND THE EXECUTIVE COUNCIL ACT FOR 1984

	Annual Indemnity	Annual Expense Allowance	Annual Salary	Total Remuneration
Member	$21,600	$10,800	$ -	$32,400
Speaker	21,600	10,800	32,500	64,900
Deputy Speaker	21,600	10,800	16,250	48,650
Leader of the Opposition	21,600	10,800	32,500	64,900
Leader of a Recognized Party	21,600	10,800	16,250	48,650
Minister with Portfolio	21,600	10,800	32,500	64,900
Minister without Portfolio	21,600	10,800	7,500 to 32,500	39,900 to 64,900
Premier	21,600	10,800	42,500	74,900

These salary levels for 1984 were based upon the recommendations of the 1982 Commission of Inquiry. This Commission, appointed in the fall of 1983, has as a principal task the assessment of conditions now prevailing, and to the extent those have changed since June of 1982, when the earlier Commission reported, our role is to recommend indemnities, allowances and salaries that are now judged to be more appropriate for 1984 than those already fixed by statute.

The recent history of statutory indemnities, allowances and salaries paid to M.L.A.'s and salaried Members since 1978 appears in Appendix D, Table D-1.

2. The Legislature and the Role of the M.L.A.

The M.L.A. in the 1980's has two basic roles. First, the Member is a legislator involved in the increasingly complex tasks of government. Changes in technology, commerce and trade, social values, development issues and the rapidity of change itself have made the legislative function a more demanding vocation. This is true for private Members whether in government or in the opposition, and the role is even more demanding for the Premier and for Ministers who are responsible for governing through the legislature and for the administration of government.

The greater complexity of government is in part the result of increasing need for cooperation and coordination between levels of government and between the public and private sectors. M.L.A.'s are required to become familiar with and deal effectively with a wide range of issues and concerns.

While it is impossible to make a definitive assessment of the M.L.A.'s legislative workload, one measure of the increasingly complex task of government is to review the pattern of legislature sittings over the last two decades. Appendix D, Table D-2, sets out this pattern. The average number of sitting days per year has nearly doubled over the last 15 years. The 48th Assembly met an average of 34 days a year and the 49th Assembly averaged 42 days, whereas the 52nd Assembly sat an average of 75 days per year, an average slightly higher for the 53rd Assembly in the last two years.

Not only have the sessions lengthened, days with extended hours of sitting have also become a regular feature of the pattern of legislative sittings; now one-third and sometimes more of the sitting days of the House have extended hours.

Another measure that may provide some insight into the expanding work of the legislature is the number of public bills passed in the House each year. The table below shows the increase in the number of acts passed

over the past six years.[7] In later years the average number of public acts has grown to exceed 65 and total acts passed have exceeded 100.

Table C

ACTS PASSED BY THE LEGISLATURE, NOVA SCOTIA

	1978	1979	1980	1981	1982	1983
Public	43	53	65	66	69	67
Total	76	72	98	132	108	100

In addition to their role in the House, all Members also serve on standing, select or special committees. Opposition Members generally have responsibility for monitoring and commenting upon particular aspects of government policy and practice, and not only when the House is in session. Thus, in the legislative role, every Member of the House spends considerable time throughout the year on business of the province whether or not the Assembly is in session.

The second role of the M.L.A. is to assist and serve constituents in a multitude of ways. While the constituency "case load" may vary from one constituency to another, and among Members, this general role has continued to grow. Especially in the difficult economic times of the past few years Members often now maintain several hundred active files of constituents' problems and concerns. M.L.A.'s are expected to deal with all manner of problems including many that are primarily the concern of other levels of government. No doubt the same may be true for other elected members of national or local governments, but all seek to serve their constituents who cannot be expected to be clear in our complex federal society about the actual responsibilities of each government.

Thus while the dual role of the M.L.A. is not necessarily full time in the sense that it takes all the time of every M.L.A., it would be a mistake not to recognize that it is for more and more Members a full-time responsibility and a full-time task to discharge. A Member who today carries on with other responsibilities must work a very long day, and in many cases must have assistance if constituents' concerns are to be dealt with and the public business of the Province is not to be neglected.

The level of remuneration and of support to the M.L.A. must be sufficient to allow the Member to devote the time and effort required to perform the duties expected of him. It should be adequate to permit persons without substantial private means to stand for election and to serve if elected and it should not result in significant financial loss for those who serve. The principles relating to appropriate levels of remuneration and support as set out in the report of an earlier Commission of Inquiry are attached in Appendix E, and we endorse these.

3. Support for Legislators in Other Provinces

The job of the M.L.A. is unlike any other trade or profession. Members must deal with an increasingly wide range of issues and concerns. The Member of the Assembly must act as legislator, negotiator, ombudsman, social worker, public relations officer and perform several other tasks at almost any hour of the day or night, seven days a week and 365 days a year. It is a role with no job security beyond the next election, with the Member's tenure of office subject to public endorsement or rejection at the polls every three or four years.

We believe the work cannot be compared to any other job, except that of legislators elsewhere. Thus, there is merit in comparing the role and remuneration of Nova Scotia M.L.A.'s to elected Members in similar roles in other provinces. Appendix D, Table D-3, sets out the basic indemnity and expense allowance of M.L.A.'s in the 10 provinces as well as the salaries of certain Members.

The basic statutory remuneration of the Nova Scotia M.L.A. is well below the average for provincial legislators in Canada, indeed only in Prince Edward Island and Newfoundland are Members paid less. So far as we can judge measures of workload,[8] such as sitting days, bills passed, size of constituency, number of constituents and committees of the House, it would appear that Nova Scotia Members have a workload at least as great as the M.L.A. in most provinces in Canada.

4. Some Indicators of Economic Changes in Nova Scotia

Representations made to the commissioners urged that interprovincial comparisons of remuneration and support for M.L.A.'s and Ministers were less significant than conditions prevailing within the province. We were also urged not to recommend any increase in remuneration since M.L.A.'s were already paid more than the average salaries paid in the province or the average earnings of small businesses. It was also proposed that Members' remuneration should be related to average family earnings in the province.

We have already noted that the M.L.A.'s role cannot be related to any particular job in the province, and relating remuneration directly to average earnings of any particular trade or profession, or to average family earnings, would in our view be inappropriate.

Members are not now remunerated as well as many professional persons or those in skilled trades. The basic indemnity and allowance for a Member is less than the average salary paid to teachers in the public school system of the province, and less than the average salary of those in the Civil Service Management Group. The basic indemnity, allowance and salary for a Minister is less than the average salary of Deputy Ministers in the public service.

On balance the commissioners do not believe that the current remuneration for M.L.A.'s is higher than is necessary if Members are to perform the tasks expected by their constituents and the people of the province.

The commissioners do recognize that provincial economic circumstances are important in determining fair and adequate remuneration for M.L.A.'s. In some other provinces statutory formulae provide for periodic adjustment in remuneration for Members, generally related to changes in wages and salaries or in price indexes prevailing in the province in question.

We have considered indicators of change in wages and salaries in Nova Scotia. Appendix D, Table D-4, records the average weekly wages paid in six major centres in the province from January 1979 to January

1983. We note that on average, wages in these centres increased by 45 percent over the four year period while the increase in the statutory indemnity and allowance for an M.L.A. increased by only 33.3 percent in the same period.

Other indicators of changing conditions, and changing remuneration levels in the province are included in Appendix D, Table D-5. This includes average salaries for selected groups within the public sector of the province, from 1978 to 1983, for teachers, Deputy Ministers, Provincial Judges and the Civil Service Management Group. We note that over the five year period the basic statutory remuneration of M.L.A.'s increased by 41.3 percent, the salaries of Ministers increased by 38.8 percent, the average salary of Deputy Ministers increased by 36.2 percent, that of the Civil Service Management Group by 42 percent, the average salary of Provincial Judges increased by 48 percent and that of teachers by 74.9 percent.

Another factor of significance in the opinion of the commissioners is the changing rate of inflation. We note that it has declined significantly from the double-digit levels of the early 1980's when the previous Commission reviewed remuneration for Members and for Ministers and reported in 1982. Appendix D, Table D-6, sets out changes in the Consumer Price Index for Canada from 1978 to August 1983. More recent news reports indicate that by early fall of 1983 the annual rate of increase had dropped below five percent.

Assuming that at December 1983 the annual rate of increase is five percent, the cumulative increase from December 1978 to the end of 1983 would be approximately 57 percent. This compares with an increase of 41.3 percent in the statutory indemnity and allowance for an M.L.A., and an increase in Ministers' salaries of 38.8 percent, over the same period.

One final factor the commissioners have taken into account is the apparent support of governments and the private sector generally throughout Canada, including the government and representatives of the private sector in Nova Scotia, for policies of restraint in expenditures. While our economy shows some signs of general recovery from recession, growth

is likely to be modest and governments here and elsewhere are seeking to contain substantial deficits. These conditions militate against significant increases in the remuneration currently paid to Members and to Ministers, and even against the indemnities, allowances and salaries now fixed by statute for 1984 which would result in substantial increases.

In light of these various factors the commissioners have reviewed arrangements for indemnities, allowances and salaries for those who serve in the legislature and in the Executive Council. On these matters this report contains recommendations for 1984.

In addition, matters relating to the support, services and facilities for the work of Members and of Ministers and some other matters brought to the attention of the commissioners are discussed in this report which also contains proposals for consideration and review by those responsible for current arrangements.

III. REMUNERATION FOR M.L.A.'S

The basic remuneration for an M.L.A. in Nova Scotia is prescribed by the House of Assembly Act[9] and it is composed of an annual indemnity and an annual allowance for expenses. As noted elsewhere in this report[10] the total indemnity and allowance paid in 1983 is $27,984 and the total payable under the Act for 1984 is $32,400. This Commission is to recommend whether the latter amount, or some other amount, is to be payable.

The total of the statutory indemnity and allowance for expenses in Nova Scotia continues to be among the lowest paid in any province of Canada for legislators' service. The 1982 Commission of Inquiry found that in June of 1982 this remuneration was higher in all other provinces except Prince Edward Island and virtually the same situation prevails in 1983 with only that province and Newfoundland-Labrador paying less than Nova Scotia by way of indemnities and allowances.[11]

However, as noted in the 1982 report, it seems appropriate in the consideration of the indemnity and allowance for expenses for 1984, to take into account the practice of providing remuneration to Members for service on committees of the House. Indeed, in submissions to this Commission some have stressed the significance of fees paid for committee service even though they have been uncertain as to these fees.

For some years it has been the practice in the House of Assembly for the Legislature Internal Economy Board[12] to provide by regulation for the payment of fees for chairpersons or for members of committees of the House. Fees may vary in accord with the Board's assessment of the work and importance of particular committees. They are provided for each year by regulation, and regulations do restrict fees to a maximum for service on three standing committees and two select committees of the House even if Members serve on more committees. In addition, the Board has itself from time to time created special committees to facilitate the work of the House and may provide remuneration for service on these committees.

It is difficult to compile information on remuneration, whether by way of fees or allowances, paid to Members who serve on legislative committees in other provinces. It does seem that elected Members are paid for committee service in all provinces except Prince Edward Island. In some provinces Members are entitled to a fee or allowance for each day a committee sits, while in some other provinces Members serving on a committee are only entitled to a fee or allowance for each day the committee sits outside the capital city or while the House is in recess. Information on the amounts paid for committee service in other provinces is not available and therefore it is impossible to compare the total remuneration paid to Members in each province, including fees or allowances for service on committees.

We note that in Nova Scotia in 1983 the total paid to all Members of the House for service on all committees would yield an average payment of $8,190. The median payment was $7,400. One-half of the Members received less than the latter amount and one-half received more, for the payments to individual Members were related to the particular committees on which they served and their responsibilities as chairpersons or as members.

However,taking into account the median of committee fees paid to Members in Nova Scotia in 1983, the commissioners conclude that the total remuneration paid to Members under existing arrangements is reasonable when compared with arrangements in other provinces, for in New Brunswick, Quebec, Ontario and British Columbia the total of indemnity and allowance alone exceeds payments, including committee fees, to Members in Nova Scotia. In the other provinces no clear standard for comparison exists.[13]

The total remuneration taking into account committee fees also seems reasonable when compared with average salaries of selected public sector groups.[14] Thus, in 1983 the total remuneration of a Member of the Assembly is considerably less than the average salaries paid to Deputy Ministers and Provincial Judges, less than the average salary of the Civil Service Management Group, and only slightly above the average salary of teachers.

The commissioners have considered current remuneration for M.L.A.'s, taking account of payments for service on committees. While we have already noted that the level of the annual indemnity and the annual allowance for expenses has not kept pace with increases in average weekly wages in Nova Scotia or with increases in the Consumer Price Index, we have also noted that this is a time of restraint in both the public and private sectors in the province. It is our considered view that any increase in the indemnity and allowance for expenses for 1984 should be modest.

It is recommended that

R-1 *For the year 1984, a Member of the House of Assembly be paid an annual indemnity of $19,400 and an annual allowance for expenses of $9,700.*

This is significantly less than the amount prescribed by the House of Assembly Act for 1984. It would provide an increase of just under four percent in the indemnity and allowance paid to Members. If, as we also recommend below, there is no increase in the level of committee fees or allowances, the increase in total remuneration for service as M.L.A. in 1984 would be less than three percent for most Members.

We turn next to the matter of fees for service on committees of the House. Since these are fees for service and not allowances related to expenses, the commissioners consider these to be within their mandate "to make an inquiry and a report respecting indemnities, allowances and salaries paid under the House of Assembly Act ...".

Committees serve the legislative process in all elected assemblies in Canada. They are part of the process in all provinces and in the Parliament of Canada. In all but one province Members receive fees or allowances for some kinds of service on committees, with the system varying from province to province. There are advantages and disadvantages to various systems but some remuneration for service does permit reward for participation in this integral part of the legislative process.

The commissioners did receive representations concerning committee fees. While a variety of comments were advanced, none suggested that remuneration including committee fees was too high. A number indicated confusion about payments made for service on committees and two general principles underlying the various comments were:

1) that fees paid to Members for service on committees of the House be considered in assessing appropriate amounts of the annual indemnity and the annual allowance for expenses, and

2) that there be disclosure with respect to committee fees at least so far as the general levels of fees are established.

The commissioners accept and endorse these principles.

With respect to fees or allowances for service on committees of the House of Assembly, including the Legislature Internal Economy Board and any committees it may constitute, the commissioners recommend

R-2 For 1984, the fees or allowances established in 1983 for service as chairperson or as a member of a committee, not be increased.

In addition the commissioners make the following proposals:

P-1 That the Legislature Internal Economy Board review the schedule of fees or allowances paid for service on all committees of the House, including the Board itself and any committees created by the Board, and that it establish for 1984, within the limits specified in R-2, the level of fees or allowances for such service. (p. 15)

P-2 That the Speaker as Chairman of the Internal Economy Board, cause to be tabled in the House of Assembly the schedule established for 1984 for fees or allowances for service on all committees. (p. 15)

The commissioners believe it is important to all Members and to the legislative process that the committee system serve the House and the electorate and that arrangements for remuneration for service on committees be known and be perceived as fair and reasonable by Members and by the public at large.

Elsewhere in this report, in relation to support and services for Members, the commissioners propose establishment of a Members' Services Committee representative of all parties, a suggestion made in earlier reports of similar Inquiries. If such a committee is formed we believe it could perform a useful role in considering various suggestions for change in arrangements for committees of the House, including suggestions relating to fees or allowances for service on committees. All Members have an interest in ensuring an effective legislative process that is perceived as reasonable by the public at large and all have an interest in ensuring that committees serve as an integral part of the process. It is important that the work of committees be facilitated and be perceived as a credible, integral part of the legislative process, providing a forum for citizens and groups to influence the process and, on occasion, a means for public accounting by non-elected public officials.

IV. SUPPORT, SERVICES AND FACILITIES FOR THE WORK OF PRIVATE MEMBERS AND OF CAUCUS OFFICES

The support which is made available to a Member, for work both in the constituency and in the capital city, is provided under regulations made by the Legislature Internal Economy Board pursuant to the House of Assembly Act.[15]

A number of representations about aspects of the support now provided were brought to the attention of the commissioners and we note a few of these below. After considering the matter, the commissioners have concluded that insofar as the support provided is to ensure services for Members or to meet expenses incurred in discharge of their responsibilities, these matters do not clearly fall within "indemnities, allowances and salaries" about which we might make recommendations that would be implemented.

However, appropriate support for the work of private Members and caucus offices is important if the M.L.A. is to serve constituents and the province effectively and we have no hesitation in advancing proposals for consideration. It is the firm belief of the commissioners, one not questioned in any of the representations made to us, that the public at large supports a reasonable level of assistance, of services and facilities for private Members, particularly where these are met through reimbursement of expenses actually incurred and documented.

The M.L.A. is now supported for work in and service to the constituency by a modest monthly allowance and up to an equivalent sum for expenses actually incurred for office space, equipment, meeting places and secretarial services within the constituency. The Member is also provided an annual allowance for postage and another for travel within the constituency. The existing support for work within the constituency does not enable a Member to operate a full-time constituency office unless the costs are substantially borne from the Member's own resources. Some Members have an "office" within their own house (for which they cannot claim expense)

while others have found office space outside their homes. Some Members have been able to hire part-time secretarial assistance within the constituency allowances.

It should be noted that Members from rural areas may still have several telephone exchanges within their constituencies and they may have numerous calls with long distance charges. For some Members this may amount to a few hundred dollars a month. Reimbursement for telephone expenses on presentation of invoices may present difficulty and a general allowance for work in the constituency is warranted for matters of this sort.

In addition to support for work in the constituency "outside Members" residing more than 25 miles from Halifax are reimbursed for travel expenses for up to 52 trips per year between their constituency and Halifax whether the House is in session or in recess. This is essential for Members residing outside the capital frequently find it necessary to travel to Halifax even when the House is recessed in order to attend to matters on behalf of their constituents. While an outside Member is in Halifax on official business, he or she is entitled to a daily expense allowance and a limited amount for expenses incurred for accommodation. A Member from the Halifax-Dartmouth area is also entitled to an expense allowance for each day that the House is in session.

Finally, in support of the work of private Members the Legislature Internal Economy Board provides by regulation for their work through the caucus office, and for secretarial assistance for chairmen of government and opposition caucuses and for private Members.

The commissioners propose that:

P-3 *The Legislature Internal Economy Board review the existing arrangements for support, services and facilities of private Members, in their constituencies, while in attendance at the House or necessary attendance in Halifax, and through caucus offices to ensure that reasonable expenses actually incurred by private Members*

in the discharge of their responsibilities are reimbursable, and that services and facilities are appropriate to support their work.

We urge the Board, so far as administrative efficiency warrants, to provide for payments to Members for support, services and facilities on the basis of reimbursement for reasonable expenses actually incurred and documented. In our view there is general public support for meeting Members' expenses in this manner.

Further the commissioners propose that:

P-4 *To ensure that Ministers are properly supported in their responsibilities as M.L.A.'s, the Legislature Internal Economy Board consider which of the measures for support, services and facilities of private Members are appropriately extended to members of the Executive Council, for whom provision is made under the Executive Council Act for reimbursement of expenses incurred in travel, on official business and for accommodations.*

Finally, we return to suggestions advanced in reports of earlier Commissions which we believe warrant repetition, and to general comments on support, services and facilities for Members.

The commissioners received a number of representations from Members, on both sides of the House, regarding the need for improved support for work within the constituency and especially for constituency offices. Further, the complications for Members of employment laws relating to continuing part-time secretarial services raise the necessity for coordination, perhaps through caucus offices, of arrangements to deal with these. There is now no provision for support of the M.L.A., especially the private Member, for travel within the province except between the constituency and Halifax, or for travel to Ottawa which Members are increasingly called upon to do in support of the concerns of their constituents. In the Report of the 1982 Inquiry it was recommended that a limited number of trips within the province or to Ottawa be possible with reimbursement of reasonable

expenses actually incurred as authorized by the Legislature Internal Economy Board. Representations supporting such travel arrangements were received by the commissioners. On one other matter referred to in Reports of earlier Inquiries we also had representations, that is in relation to research support for the legislative functions of the private Member. It has been suggested that an allowance be provided to caucus offices to permit retaining of research assistants on an ad hoc basis, not as continuing staff, to assist a private Member in dealing with a particular issue. That might be an alternative to the recommendation of the 1982 Commission of Inquiry[17] which suggested consideration of arrangements for Legislative Library research assistants and Legislative Interns. At this stage the commissioners believe that the most appropriate arrangements for research assistance can best be considered by the Members themselves.

In view of these various matters of concern to Members, the commissioners reiterate the essence of a recommendation made in the Report of the 1982 Commission of Inquiry and propose that:

P-5 *An all party committee of the House of Assembly consider any matter relating to support, services and facilities for Members and the recommendations of this committee be presented to the Legislature Internal Economy Board for consideration and decision by the Board.*

A committee of this sort exists in the House of Commons and in some other jurisdictions. If constituted for the purpose suggested it might be known as the Committee on Members' Services. Alternatively the role proposed might be undertaken by the existing Committee on Internal Affairs provided for in the Rules of the House of Assembly.

V. SUPPORT FOR LEADERS OF OPPOSITION PARTIES

Under the House of Assembly Act provision is made for salaries and for support of the Leader of the Opposition[18] and of the Leader of a Recognized Party.[19]

Support for the Leader of the Opposition, by way of office space, secretarial, research and office assistance appears to be adequate at this time and the commissioners have no specific recommendations for change. We do, however, propose that:

P-6 *The Legislature Internal Economy Board review arrangements for reimbursement of reasonable expenses for the Leader of the Opposition and for an assistant travelling with the Leader of the Opposition. (p.21)*

The commissioners did receive representations proposing that the qualifications established by the House of Assembly Act[21] for the leader of a recognized party be changed. The Act requires that the leader be "the leader in the House of a party represented by two or more members other than the Premier or the Leader of the Opposition whose party was a 'recognized party' in accordance with the Elections Act and had candidates standing for election for three-quarters of the seats of members in the House and whose party received ten percent or more of the votes officially recorded in the latest general election of members of the House."

It is on these qualifications that salary for the leader of a recognized party, and office support and staff for the leader, depend. In the House of Assembly now there is no leader of a recognized party.

While it is true that the qualifications for "the leader of a recognized party" under the House of Assembly Act differ from those of a "recognized party" under the Elections Act, the two Acts serve different purposes. The former is concerned with support of a party in the House

in relation to the legislative process and the business of the House. The Elections Act on the other hand is concerned with those parties that warrant recognition and support for purposes of elections. The House of Assembly Act provisions do ensure that support for work of a party in the House in relation to the business of the House is limited to parties with minimal representation by a group that is representative of a broadly based party in the province.

The commissioners do not believe it is within their mandate to recommend changes in the qualifications for the leader of a recognized party in the House nor do they believe there is any reasonable concensus on what changes might be proposed for consideration by others.

The commissioners do note, with satisfaction, that under regulation of the Legislature Internal Economy Board some support is provided for the legislative work of the leaders of parties now represented in the House by a single Member. The commissioners assume that in any review by the Board of arrangements for support services and facilities of private Members, the existing arrangements for support of the work of these party leaders will also be reviewed.

VI. SALARIES OF MEMBERS HOLDING OFFICE AND EXPENSES OF MEMBERS OF THE EXECUTIVE COUNCIL

Salaries of Members of the House of Assembly who hold office in the Executive Council, and provision for their expenses, are established under the Executive Council Act, and for those holding office in the House of Assembly salaries and expenses are provided for under the House of Assembly Act or by regulation under that act by the Legislature Internal Economy Board.

Before summarizing these arrangements it may be useful to deal briefly with salary and other arrangements made for some officers, notably the Premier, Ministers, the Speaker and Leaders of the Opposition and of Recognized Parties.

a) The Premier - Under the Executive Council Act as amended in 1982 the Premier was entitled to a salary of $35,000 per annum in 1982 and increasing each year thereafter, effective 1 January 1983, by $3,500 per annum. In fact Government decided to forego increases for Members of the Executive Council in 1982. Thus, no increase was paid to the Premier in 1982 and salary for the office remained at $32,000 as it had been, without any increase, since 1979. Then in 1983 it was adjusted to $37,630, less than the Executive Council Act had provided for 1983. The salary paid to the Premier together with the indemnity and allowance paid to him as a Member still leaves the Premier's total remuneration in 1983 lower than for Premiers in all other provinces except Newfoundland, Prince Edward Island, and Manitoba.

b) Ministers - Under the Executive Council Act as amended in 1982 a Minister having charge of a department was entitled to a salary of $27,500 per annum in 1982, and increasing each year thereafter, effective 1 January 1983, by $2,500, or such lesser salary as the Governor in Council may determine. (The maximum salary paid to a Minister without portfolio is the same as the salary fixed for a Minister having charge of a department.) Government decided to forego increases to Members

of the Executive Council in 1982 and the salary for service as a Minister as fixed in 1979 at the level of $25,000 per annum continued without increase until 1983 when it was adjusted to $29,150. The salary now paid to a Minister together with the indemnity and allowance paid to him as a Member leaves the total remuneration for Ministers in Nova Scotia at a level lower than for Ministers in all other provinces in Canada except Prince Edward Island, Newfoundland, Manitoba and Saskatchewan.

c) The Speaker and the Deputy Speaker - In 1982 the Report of an earlier Inquiry on Remuneration of Elected Provincial Officials recommended, in light of the importance of the Speaker's role as independent spokesman for the Assembly, and the increasing administrative burden of his office, that his salary be equivalent to that of a Member of the Executive Council having charge of a department. This was effected in 1983 so that the Speaker was paid a salary in that year of $29,150. Previously, from 1979 to 1982, the Speaker was paid $15,000 without any increase over that term even though the work of the Speaker's office and the necessity of his involvement, particularly in administration, has grown very significantly.

Arrangements to pay salary to the Speaker equivalent to that paid to a Minister also prevail in 1983 in Newfoundland, New Brunswick, Quebec, Manitoba, Saskatchewan and Alberta.

Salary is also paid in Nova Scotia to the Deputy Speaker of the House of Assembly, at a rate equivalent to one-half the salary paid to the Speaker. From 1979 to 1982 this salary was $7,500; in 1983 that was changed to $14,575.

d) The Leader of the Opposition Parties - Under the House of Assembly Act as amended in 1982 the Leader of the Opposition is entitled to an annual salary of $27,500, increasing annually on 1 January 1983 and each year thereafter by the amount of $2,500. For some years since the salary for the Leader of the Opposition was first established it has been set at a rate equivalent to that of a Minister having charge of a department under the Executive Council Act.

The Leader of a Recognized Party in the House, other than the Premier or the Leader of the Opposition, is entitled to salary at a rate equivalent to one-half of that paid to the Leader of the Opposition.

In 1982 Government decided to forego any increment in salaries paid the Premier and Ministers, and similarly no increase in salary was paid to the Leader of the Opposition in that year so that salary remained at $25,000, the level last fixed in 1979. In 1983 salary for the Leader of the Opposition was adjusted to $29,150, the same as for Ministers having charge of a department. In the current House of Assembly there is no leader of a recognized party to whom a salary is paid.

e) Other Salaried Members - Salaries for offices held by some other Members of the Assembly are established by the Legislature Internal Economy Board: namely for the House Leader ($5,000 per annum in 1983), the Deputy House Leader ($3,000 per annum), the House Leader of the Official Opposition ($2,000 per annum), and for the Whip of each Party ($85.00 per member in the House), and for the Caucus Chairman of each Party ($85.00 per member in the House).

We recommend that

R-3 *For 1984 the salary of the Premier, under the Executive Council Act, be $39,100.*

R-4 *For 1984 the salary of a Minister having charge of a Department, under the Executive Council Act, be $30,300.*

R-5 *For 1984 the maximum possible salary for a Minister without portfolio, under the Executive Council Act, be $30,300.*

R-6 *For 1984 the salary of the Speaker, under the House of Assembly Act, be $30,300.*

R-7 *For 1984 the salary of the Deputy Speaker, under the House of Assembly Act, be $15,150.*

R-8 *For 1984 the salary for the Leader of the Opposition, under the House of Assembly Act, be $30,300, and for the Leader of a Recognized Party, under the House of Assembly Act, be $15,150.*

It should be noted that these increases recommended for 1984 would be slightly less than four percent above the salaries paid in 1983 and in each case they would be significantly less than is now provided by the relevant statutes for 1984.

For other salaried Members for whom salaries or payments for offices are provided under regulations, the commissioners recommend that:

R-9 *Salaries established by regulation of the Legislature Internal Economy Board for offices of House Leader, Deputy House Leader, House Leader of the Official Opposition, Party Whips and Caucus Chairpersons of each Party not be increased.*

In the matter of expenses and support for Members of the Executive Council, in addition to some provision as Members of the Legislature under the House of Assembly Act, all members of the Executive Council are entitled to payment to indemnify them for reasonable expenses incurred for travelling or otherwise in the discharge of official duties.[22] Further every member of the Executive Council who is an "outside member" as defined by the House of Assembly Act is entitled to an amount to reimburse him for travelling expenses between Halifax and the constituency and for actual expenses incurred as a result of being in Halifax while a member of the Council.[23] The Governor in Council by regulation provides for reimbursement.[24] One of the more important allowances provided for Ministers who are "outside members" is a limited allowance for rental of accommodation in Halifax.

The commissioners believe that no one would expect Ministers to serve without appropriate reimbursement for reasonable expenses incurred by reason of their office including travelling expenses and costs incurred for accommodation in Halifax and we propose that:

P-7 *Regulations under the Executive Council Act relating to reimbursement for expenses incurred by members of the Executive Council, including travel and accommodation costs, be reviewed in light of actual costs currently incurred by the Ministers and in light of the arrangements for expenses under the House of Assembly Act to which Ministers are entitled as Members of the House.*

VII. SALARIES FOR OFFICERS OF THE HOUSE

There are presently four Officers of the House of Assembly as designated by Part VII of the House of Assembly Act.[25] They are the Chief Clerk, Assistant Clerk, Legislative Counsel and Sergeant-at-Arms. The Chief Clerk, Assistant Clerk and Legislative Counsel are designated by the Act as appointees of the Governor in Council and under the Public Service Act[26] the Sergeant-at-Arms is appointed by the House.

Historically, the salaries of the Chief Clerk, Assistant Clerk and Sergeant-at-Arms were fixed by statute and these were last changed in 1982 to provide for annual salaries of $30,000, $25,000 and $16,000 respectively for these offices. Although these salaries are specified in the statute, sub section 43(3) provides the Legislature Internal Economy Board may determine these salaries.

The commissioners propose that:

P-8 *The salaries of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms be reviewed by the Legislature Internal Economy Board and set for 1984 at a level not greater than four percent higher than salaries prevailing for 1983.*

The House of Assembly Act provides for reimbursement to Officers of the House, as may be authorized by the Speaker or other member of the Legislature Internal Economy Board, to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with business of the House or of the Province.[27] It is perhaps a carry-over from earlier days that regulations of the Legislature Internal Economy Board have continued to provide relatively modest allowances for the Chief Clerk and the Assistant Clerk on account of telephone and postage expenses.

One apparently anomalous situation prevails in arrangements for Officers of the House. The Legislative Counsel, though an Officer of the House, appointed by the Governor in Council, is the only Officer whose salary is not set by statute or subject to determination of the Legislature Internal Economy Board, but rather is determined by the Governor in Council. For an Officer of the House who seeks to serve all Members of the House and the House itself these arrangements might well be reviewed. The Commissioners propose that:

P-9 *Arrangements for establishing the salary of the Legislative Counsel by the Governor in Council, now provided in the House of Assembly Act, be reviewed by the Speaker in consultation with the Governor in Council to determine whether salary of the Legislative Counsel might appropriately be set by the Legislature Internal Economy Board as in the case of other Officers of the House.*

VIII. ALLOWANCES UNDER THE MEMBERS' RETIRING ALLOWANCES ACT

Members of the Legislative Assembly have had the opportunity to contribute to a pension programme since 1954, and have been required to do so since 1969 unless excluded in exceptional cases by order of the Governor in Council.

The Members' Retiring Allowances Act establishes an account in the Consolidated Fund of the province and for this purpose Members contribute, goverrment makes an equal contribution and credits interest on the balance from time to time credited to the account. The plan is not funded to meet all potential claims as a private pension programme would be, and the Act provides that if at any time the account is insufficient to make payments required the account is to be credited with sufficient funds for this purpose from the Consolidated Fund.

Over more than a decade changes have been made in the Act to provide retiring allowances more in keeping with the increasingly important role and workload of Members, as reflected in changes in indemnities, allowances and salaries, and the recognition that service in the legislature should be open to all citizens regardless of their private means, without serious financial penalties for service. Not all of these changes have been applied retroactively, so that for existing and former Members qualifying for an allowance their ultimate entitlement will reflect the times at which they served in the House of Assembly.

A number of changes were provided for following the last review in 1982 and it would seem sufficient for our purposes to summarize the arrangements that now prevail for existing Members. These are as follows:

Eligibility for an allowance - A Member must contribute to the account and must have served in two General Assemblies for five years or more, must have attained age 55 and ceased to be a Member, or ceased to be a Member and be totally disabled, or must have died in which case an allowance is payable to a surviving spouse and dependant children.

Contribution by a Member - A Member contributes at the rate of 8% of the indemnity and annual allowance for expenses paid to him, and salaried Members and Ministers contribute 8% of the salary paid to them for their office.

Years of Contribution and Benefits - The maximum years of contribution to the plan are 15 years and for Members benefits accumulate at the rate of 5% of the average annual indemnity and expense allowance during the last three years of service for each year of contribution and service. The maximum benefit cannot exceed 75% of the average annual indemnity and expense allowance during the last three years of service. Salaried Members and Ministers are entitled to additional allowances accumulating at the same rate (5%) of the average salary payment for the three highest years of salaried service (or if salaried service is less than three years, then the average is that of the actual years served).

These general arrangements are reasonably consistent with similar arrangements for legislative service in other provinces of Canada except for the provision for a fixed age for entitlement to pension benefits, a provision not applicable in all provinces. In Nova Scotia the Act does not provide for an immediate pension regardless of age on leaving the legislature after a qualifying period of service, as is provided in New Brunswick after 10 years' service, in Quebec after five years' service in two legislatures, in Manitoba after eight years or three legislatures, and in the Parliament of Canada after six years' service.

Nor do the arrangements in Nova Scotia provide for qualification by a formula relating to age and years of service that would permit full allowances to be paid at an age less than 55 years which would occur under arrangements in British Columbia, in Ontario and in Newfoundland. However, there is provision in Nova Scotia, by regulation made under the Act, for a person otherwise qualified for an allowance but who has not reached the age of 55 years to elect to take an actuarily reduced allowance at an earlier age.

By regulation made under the Members' Retiring Allowances Act allowances paid have been increased in recent years by applying the same indexing factor as has been applied to pensions payable under the Public Service Superannuation Act. Thus former Members or their dependants paid an allowance have the benefit of these arrangements to offset, in part at least, the impact of inflation on the benefits paid. There may be two other situations of former Members or others entitled under the Act to allowances where other arrangements to ensure appropriate allowances should be considered.

The first is the pension paid to former Members who served at a time when allowances and contributions were related to the indemnity only and who served in years when the indemnity was comparatively low with the result that current allowances payable are low. While we have no recommendation on this matter, the commissioners do propose that

P-10 *Allowances paid to former Members, under the Members' Retiring Allowances Act, be reviewed from time to time and where allowances are low, based on service in years when the indemnity was low by current standards, and the person entitled is in serious financial need, ex gratia payments be arranged, even by special legislation, to ensure that former Members, their surviving spouses or dependant children are appropriately supported.*

The second situation concerns former Members who are entitled to a deferred allowance by reason of years of service and contribution to the fund but not qualified by age. This matter was dealt with in the Report of the 1982 Commission of Inquiry. The commissioners repeat the recommendation made in that Report, that

R-10 *When a Member is entitled to a deferred retiring allowance, has ceased to be a Member and does not subsequently become a Member before an allowance is paid under the Act, effective 1 January 1984 or the date on which he or she ceases to be a Member, whichever is later, the deferred allowance be*

increased each year in the same amount as prescribed for that year by the Governor in Council in relation to the cost of living for retiring allowances paid in that year to former Members.

We do this for the same reasons as recognized in the previous report: that is to avoid erosion of pension benefits payable at a future date to persons no longer serving as Members who are qualified for an allowance except that they are less than the required age. We believe this would provide a measure of protection for the entitlement of former Members who leave office at a comparatively young age, often at the will of the electorate rather than by choice, and who must then re-establish themselves in their community, generally with loss of accruing pension benefits which those engaged in other activities or professional life would expect to be accumulating during their careers.

The commissioners do not now recommend further basic changes in the Members' Retiring Allowances Act, particularly in light of the changes introduced following the Report of the 1982 Commission of Inquiry.

We do, however, propose that consideration be given to removing one anomalous provision of the Act which would seem to reflect an earlier day when the M.L.A. was generally considered to serve part-time with an indemnity and allowance for expenses related principally to service in the Assembly. Section 13 of the Act provides for computing the number of years of service for purposes of the Act and it provides that if the actual period of service includes a fraction of a year that is one-half or greater it shall be counted as a year of service. In its application the section results in inequity for those who serve a fraction of a year less than one-half.

The commissioners propose that

P-11 *Section 13 of the Members' Retiring Allowances Act be amended so that in computing years of service for purposes of the Act only the actual number of years and months served be calculated as service.*

This would be consistent with the Public Service Superannuation Act.

IX. CONCLUSION

As a result of our inquiry a variety of matters were brought to the attention of the commissioners. Not all of these have been dealt with or recorded in this report. Yet we record our gratitude to the many who assisted us[28] and particularly to those citizens and organizations who made submissions to us in writing or who presented their views and suggestions at public hearings.

One matter raised in earlier Inquiries about remuneration for elected provincial officials was again brought to the attention of the commissioners. That is the status of those who are not self-employed and who would contemplate seeking public office if they did not have to resign their regular employment when nominated or elected. Some collective agreements now in force in the province do provide protection of regular employment of those who seek to serve and in some cases for those who are elected to serve in public office. We commend to Government and to all employers the importance of service to the province through elected office in the Assembly and we underline the importance of arrangements to protect rights to regular employment for those who seek election to and for those who serve in the legislature. The most representative legislature will best be assured when all in the province are free to seek office and to serve without loss of rights to their regular employment.

In this report the commissioners have advanced proposals on some matters not clearly falling within a definition of "indemnities, allowances and salaries." We have done so in the expectation that these will be carefully considered by those responsible for the operations of the House of Assembly and the Executive Council.

We emphasize the importance of review by those responsible for providing arrangements to meet reasonable expenses incurred by Members in service to their constituents or in service associated with the work of the House. We believe that improved arrangements, particularly to meet

expenses actually incurred, are important for Members, for their constituents, and for the general public. No one really expects Members to serve at a cost to be borne from their own pockets.

The recommendations made for increases in "indemnities, allowances and salaries" for Members of the House and for Ministers are warranted in light of the significant impact of inflation in recent years on remuneration paid for service. Indemnities, allowances and salaries have not kept pace with inflation since 1978.

Yet, since this is a time of continuing restraint in public expenitures generally, the increases in indemnities, allowances and salaries that we now recommend for 1984 are modest. They are less than the reduced inflation rate that can be expected to prevail for 1983, and they will provide significantly less than is already established by statute for 1984.

X. SUMMARY OF RECOMMENDATIONS

The commissioners make the following recommendations in their report, after inquiry, respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act.

R-1 *For the year 1984, a Member of the House of Assembly be paid an annual indemnity of $19,400 and an annual allowance for expenses of $9,700. (p. 14)*

R-2 *For 1984, the fees or allowances established in 1983 for service as chairperson or as a member of a committee, not be increased. (p. 15)*

R-3 *For 1984 the salary of the Premier, under the Executive Council Act, be $39,100. (p. 25)*

R-4 *For 1984 the salary of a Minister having charge of a Department, under the Executive Council Act, be $30,300. (p. 25)*

R-5 *For 1984 the maximum possible salary for a Minister without portfolio, under the Executive Council Act, be $30,300. (p. 25)*

R-6 *For 1984 the salary of the Speaker, under the House of Assembly Act, be $30,300. (p. 25)*

R-7 *For 1984 the salary of the Deputy Speaker, under the House of Assembly Act, be $15,150. (p. 25)*

R-8 For 1984 the salary for the Leader of the Opposition, under the House of Assembly Act, be $30,300, and for the Leader of a Recognized Party, under the House of Assembly Act, be $15,150. (p. 25)

R-9 Salaries established by regulation of the Legislature Internal Economy Board for offices of House Leader, Deputy House Leader, House Leader of the Official Opposition, Party Whips and Caucus Chairpersons of each Party not be increased. (p. 26)

R-10 When a Member is entitled to a deferred retiring allowance, has ceased to be a Member and does not subsequently become a Member before an allowance is paid under the Act, effective 1 January 1984 or the date on which he or she ceases to be a Member, whichever is later, the deferred allowance be increased each year in the same amount as prescribed for that year by the Governor in Council in relation to the cost of living for retiring allowances paid in that year to former Members. (p. 31,21)

XI. SUMMARY OF PROPOSALS

The commissioners consider that a number of matters which do not clearly fall within their commission "to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid ..." are worthy of further consideration by those responsible for the operations of the House of Assembly. While these are not recommendations to be implemented by the Speaker, the commissioners, after inquiry, make these proposals.

P-1 *That the Legislature Internal Economy Board review the schedule of fees or allowances paid for service on all committees of the House, including the Board itself and any committees created by the Board, and that it establish for 1984, within the limits specified in R-2, the level of fees or allowances for such service. (p. 15)*

P-2 *That the Speaker as Chairman of the Internal Economy Board, cause to be tabled in the House of Assembly the schedule established for 1984 for fees or allowances for service on all committees. (p. 15)*

P-3 *The Legislature Internal Economy Board review the existing arrangements for support, services and facilities of private Members, in their constituencies, while in attendance at the House or necessary attendance in Halifax, and through caucus offices to ensure that reasonable expenses actually incurred by private Members in the discharge of their responsibilities are reimbursable, and that services and facilities are appropriate to support their work. (p. 18, 19)*

P-4 *To ensure that Ministers are properly supported in their responsibilities as M.L.A.'s, the Legislature Internal Economy Board consider which of the measures for support, services and facilities of private Members are appropriately extended to members of the Executive Council, for whom provision is made under the Executive Council Act for reimbursement of expenses incurred in travel, on official business and for accommodations. (p. 19)*

P-5 *An all party committee of the House of Assembly consider any matter relating to support, services and facilities for Members and the recommendations of this committee be presented to the Legislature Internal Economy Board for consideration and decision by the Board. (p. 20)*

P-6 *The Legislature Internal Economy Board review arrangements for reimbursement of reasonable expenses for the Leader of the Opposition and for an assistant travelling with the Leader of the Opposition. (p.21)*

P-7 *Regulations under the Executive Council Act relating to reimbursement for expenses incurred by members of the Executive Council, including travel and accommodation costs, be reviewed in light of actual costs currently incurred by the Ministers and in light of the arrangements for expenses under the House of Assembly Act to which Ministers are entitled as Members of the House. (p. 26)*

P-8 *The salaries of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms be reviewed by the Legislature Internal Economy Board and set for 1984 at a level not greater than four percent higher than salaries prevailing for 1983. (p. 27)*

P-9 *Arrangements for establishing the salary of the Legislative Counsel by the Governor in Council, now provided in the House of Assembly Act, be reviewed by the Speaker in consultation with the Governor in Council to determine whether salary of the Legislative Counsel might appropriately be set by the Legislature Internal Economy Board as in the case of other Officers of the House.* (p. 28)

P-10 *Allowances paid to former Members, under the Members' Retiring Allowances Act, be reviewed from time to time and where allowances are low, based on service in years when the indemnity was low by current standards, and the person entitled is in serious financial need, ex gratia payments be arranged, even by special legislation, to ensure that former Members, their surviving spouses or dependant children are appropriately supported.* (p. 31)

P-11 *Section 13 of the Members' Retiring Allowances Act be amended so that in computing years of service for purposes of the Act only the actual number of years and months served be calculated as service.* (p. 32)

FOOTNOTES

1. See Appendix B for letter appointing Commission, with a copy of s.43A of the House of Assembly Act, as enacted 1983, c.29.

2. House of Assembly Act, R.S.N.S. 1967, c.128, s.43A (3)(4) as amended 1983, c.29.

3. Idem, s.43A(1).

4. See Appendix C for acknowledgements of assistance provided to the Commission.

5. House of Assembly Act, R.S.N.S. 1967, c.128, s.40, as amended 1978-79, c.22.

6. An Act Respecting the Restraint Year of Members of the House of Assembly, 1983, c.11.

7. Information provided by the office of the Legislative Counsel.

8. See generally, Canadian Legislatures: The 1982 Comparative Survey (ed. Fleming and Mitchinson, Office of the Assembly, Queen's Park, Toronto).

9. House of Assembly Act, R.S.N.S. 1967, c.128, s.40 as amended 1982, c.28, s.2 and by An Act Respecting the Restraint Year of Members of the House of Assembly, 1983, c.11, s.1.

10. See this Report, section II.1. and tables A and B in that section.

11. See Appendix D, Table D-3.

12. The Legislature Internal Economy Board is constituted by the Governor in Council, the Speaker serves as Chairman and it includes two members of the Executive Council and one or more Members of the House of Assembly, in accordance with the Public Service Act, R.S.N.S. 1967, c.255, ss.47, 48. The Board has general supervision and control of all staff appointed to serve the House, and their duties, prepares estimates for their compensation and has responsibility for the general expenditure of moneys in connection with the House, other than Members' indemnity, under the Public Service Act. The Board also has authority to provide by regulation under the House of Assembly Act R.S.N.S. 1967, c.128, s.43 for many aspects of the services and allowances available to support the work of Members and generally for any matter to effectively carry out the intent and purposes of the House of Assembly Act.

13. For interprovincial comparisons of indemnities and allowances see Appendix D, Table D-3.

14. For average salaries of selected public sector groups see Appendix D, Table D-5.

15. R.S.N.S 1967, c.128, s.43.

16. Report, p.22.

17. Report, Commission of Inquiry on Remuneration of Elected Provincial Officials, June 1982, p.25.

18. House of Assembly Act, R.S.N.S. 1967, c.128, ss. 41(3) and 42(1)(2).

19. Idem, ss.41(4) and 41(3)(4).

20. House of Assembly Act, R.S.N.S. 1967, c.128, s.43(1)(ee).

21. Idem, s.43B.

22. Executive Council Act, R.S.N.S. 1967, c.95, s.6.

23. Idem, s.5A.

24. Idem, s.6A.

25. R.S.N.S. 1967, c.128, ss. 44 to 51.

26. R.S.N.S. 1967, c.255, s.46(1).

27. R.S.N.S. 1967, c.128, s.51A.

28. See Acknowledgements, Appendix C.

The Speaker

House of Assembly
Nova Scotia

PO Box 1617
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902 424-5707

September 21, 1983

Dr. W. Andrew MacKay
President
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and

Mr. George White, LL.B.
Patterson, Smith, Matthews & Grant
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P. O. Box 1068
Truro, Nova Scotia
B2N 5B9

Gentlemen:

This will confirm your appointment as Commissioners pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act. A copy of the Act persuant to which your appointments are made is enclosed.

I thank you for your willingness to take on these duties and can assure you of the full co-operation of the Office of the Speaker as you carry out your task.

I look forward to receiving your report on or before December 1, 1983 as required by the Act.

Yours very truly,

Arthur R. Donahoe

Arthur R. Donahoe
Speaker

ARD:nk

Enclosure

AN ACT TO AMEND CHAPTER 128 OF THE REVISED STATUTES, 1967, THE HOUSE OF ASSEMBLY ACT

(Assented to the 1st day of June, A.D. 1983)

Be it enacted by the Governor and Assembly as follows:

1 Section 43A of Chapter 128 of the Revised Statutes, 1967, the House of Assembly Act, is repealed and the following Section substituted therefor:

43A (1) The Speaker, after appropriate consultation, shall on or before the first day of October in each year appoint persons to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid under this Act, the Executive Council Act and the Members' Retiring Allowances Act.

(2) The persons appointed pursuant to subsection (1) shall have all the powers and privileges and immunities of a commissioner under the Public Inquiries Act and shall complete their inquiry and deliver their report containing recommendations to the Speaker on or before the first day of December in the year in which they are appointed.

(3) The Speaker, upon receipt of the report containing the recommendations of the persons appointed pursuant to subsection (1), shall cause the recommendations to be implemented and they shall have the same force and effect as if enacted by the Legislature and shall be in substitution for provisions of this Act, the Executive Council Act and the Members' Retiring Allowances Act, as the case may be.

(4) The recommendations shall apply, from the first day of January immediately following the year in which the persons are appointed to make the report, until subsequently changed.

Appendix C

ACKNOWLEDGEMENTS

The Commissioners gratefully acknowledge the contributions of those individuals and organizations which made submissions to them in the course of this Inquiry. Among those appearing at public hearings were:

Professor Michael Bradfield

Mike Marshall

Robert Naylor

Nova Scotia Federation of Labour, represented by
J. K. Bell, Secretary-Treasurer and
Leo F. McKay, Executive Secretary

Nova Scotia New Democratic Party, represented by
Edward Murphy, President and
Rodney Dickinson, Secretary

In addition, written submissions were received from:

Geoffrey Drake, President
Antigonish Chamber of Commerce

Helen A. Gillis, President
The Progressive Conservative Association of Nova Scotia

A. J. Gorman, President
New Glasgow Chamber of Commerce

P. J. Mettam
Mettam Wright Associates Ltd.

Wilfred P. Moore, President
Nova Scotia Liberal Association

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Leader of Official Opposition
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Robert J. Fleming, Director of Administration,
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J. William Gillis, M.L.A., Antigonish
Don Hubley, Administrative Coordinator, Office of the Speaker
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Bruce MacCharles, Director of Compensation,
Nova Scotia Civil Service Commission
Paul MacEwan, M.L.A., Cape Breton Nova, President and
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Dr. N. James MacLean
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Leader of New Democratic Party
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Hon. M.C. Pickings, M.L.A., Lunenburg West
S. Myles Rector, Director of Administration, Office of the Speaker
Hon. Ronald Russell, M.L.A., Hants West
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Nova Scotia Civil Service Commission
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The Commissioners wish to draw particular attention to a publication that was most helpful in their inquiry: Canadian Legislatures: The 1982 Comparative Study edited by Robert J. Fleming and J. Thomas Mitchinson, published by The Office of the Assembly, Queen's Park, Toronto. This study presents a comprehensive overview of the workings of the House of Commons and the legislatures of the ten provinces and two territories. Mr. Fleming and Mr. Mitchinson were also most helpful in providing the commissioners with data for 1983 where available.

Finally the commissioners acknowledge the assistance in their work of Ms. Joan Kelly who assisted with correspondence, advertising and arrangements for hearings, of Rodney Caley, Editor in Chief, Hansard Reporting Services and his staff, of Ms. Noreen Marshall who served as Assistant to the commissioners, and of Ms. Elizabeth Christian for general secretarial work and particularly in the production of their Report.

TABLE D-1

SUMMARY RECORD OF INDEMNITIES, ALLOWANCES AND SALARIES FOR M.L.A.'S, SALARIED MEMBERS AND MEMBERS OF THE EXECUTIVE COUNCIL IN NOVA SCOTIA
1978 to 1983

	M.L.A.'S		ANNUAL SALARIES IN ADDITION TO M.L.A.'S REMUNERATION						
Year	Annual Indemnity	Annual Expense Allowance	Speaker	Deputy Speaker	Leader of Opposition	Leader of Recognized Party	Minister without Portfolio	Minister with Portfolio	Premier
1978	$13,200	$6,600	$15,000	$ 7,500	$21,000	$ 6,000	$ 6,000 to $21,000	$21,000	$25,000
1979	14,000	7,000	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1980	14,800	7,400	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1981	15,600	7,800	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1982	16,400	8,200	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1983	18,656	9,328	29,150	14,575	29,150	14,575	7,500 to 29,150	29,150	37,630

Appendix D
Table D-2

SITTING DAYS PER SESSION OF THE NOVA SCOTIA LEGISLATURE 1965-1983

Year	Assembly	Session	Sitting Days	Average Sitting Days per Year
1967	49th Assembly	1st Session	4 days	4 days
1968		2nd Session	33 days	42 days
1969		3rd Session	47 days	
1970		4th Session	45 days	
1970-71	50th Assembly	1st Session	40 days	55 days
		2nd Session	6 days	
1972		3rd Session	57 days	
1973		4th Session	52 days	
		5th Session	11 days	
1974	51st Assembly	1st Session	41 days	69 Days
1975-76		2nd Session	69 days	
1976-77		3rd Session	55 days	
1977-78		4th Session	58 days	
1978		5th Session	54 days	
1978-79	52nd Assembly	1st Session	77 days	75 days
1980		2nd Session	64 days	
1981		3rd Session	83 days	
1982	53rd Assembly	1st Session	87 days	76 days
1983		2nd Session	64 days	

TOTAL DAYS OF EXTENDED HOURS 1978-1983

1978-79	39 days
1980	25 days
1981	38 days
1982	31 days
1983	33 days

Source: The Office of the Speaker of the House of Assembly

BASIC STATUTORY INDEMNITIES AND ALLOWANCES FOR M.L.A.'S AND SALARIES FOR CERTAIN MEMBERS BY PROVINCE FOR 1983[1]
(date of last change noted)

	N.S. (1 Jan 83)	N.B. (1 Jan 83)	P.E.I.[1] (1 Jan 82)	NFLD.[2] (1 Apr 82)	QUE. (1 Jan 83)	ONT. (1 Apr 83)	MAN. (18 Jun 83)	SASK. (1 Jan 83	ALTA. (1 Jan 83+) (1 Apr 83)	B.C.[2] (1 Jan 82)
Indemnity	$18,656	$27,067	$13,700	$14,758	$37,202	$33,345	$21,216	$19,970	$24,310	$26,698
Allowance	9,328	10,827	6,600	7,378	7,500	11,130	10,608	9,376	7,150	13,349
Total Basic Remuneration	27,984	37,894	20,300	22,136	44,702	44,475	31,824	29,346	31,460	40,047
Salaries:										
Premier	37,630	36,992	37,400	40,000	45,625	41,113	24,692	35,963	50,494	36,480
Minister with Portfolio	29,150	24,662	26,400	29,000	31,586	24,432	18,692	26,979	37,044	31,283
Minister without Portfolio	7,500 to 29,150	18,496	N/A	14,500	31,586	12,268	13,692	26,979	26,278	N/A
Opposition Leader	29,150	24,662	21,000	29,000	31,586	28,632	18,692	26,979	37,044	24,762
Third Party Leader	14,575	N/A	N/A	N/A	12,510	14,368	N/A	13,489	N/A	N/A
Speaker	29,150	18,496	8,000	29,000	31,586	18,035	15,500	10,528	+37,044	24,762
Deputy Speaker	14,575	9,248	4,100	10,000	14,038	7,549	3,500	6,250	+18,522	11,056

1. 1983 data are not available for P.E.I. at this time.

2. Newfoundland and British Columbia did not increase remuneration for elected officials in 1983.

Source: R.J.Fleming and J.T. Mitchinson, editors Canadian Legislatures, a comparative study published annually.

AVERAGE WEEKLY WAGES, NOVA SCOTIA (Six Major Centres)

1979 - 1983

	Halifax	Amherst	New Glasgow	Sydney	Truro	Yarmouth	Average
Jan. 1979	$228.70	$216.20	$272.08	$259.04	$196.34	$185.31	$226.28
1980	246.18	239.17	308.68	296.68	210.93	211.15	252.13
1981	275.54	293.30	340.05	317.15	241.62	225.12	282.13
1982	307.33	296.37	374.89	371.86	269.58	248.38	311.40
1983	329.00	321.70	380.87	384.72	276.60	276.26	328.19
Increase from January 1979 to January 1983							
Increase	$100.30	$105.50	$108.79	$125.68	$80.26	$90.95	$101.91
Percentage Change	43.86%	48.80%	39.98%	48.52%	40.88%	49.08%	45.04%

Source: Statistics Canada, Employment, earnings and hours, "Average Weekly Earnings: Unadjusted for Seasonal Variations, Industrial Composite for Urban Areas", Catalogue 72-002, 1983, Table 14, p.92.

Appendix D
Table D-5

AVERAGE SALARIES OF SELECTED PUBLIC SECTOR GROUPS
NOVA SCOTIA, 1978-1983

	YEAR	AVERAGE SALARY
TEACHERS	Aug. 01/78	$19,271
	Aug. 01/79	21,294
	Aug. 01/80	23,896
	Aug. 01/81	27,473
	Aug. 01/82	30,251
	Feb. 01/83, Aug. 01/83	33,701
DEPUTY MINISTERS	1978	$44,439
	1979	47,285
	1980	50,714
	1981	55,714
	1982	58,193
	1983	60,521
PROVINCIAL JUDGES	Apr. 01/78	$36,404
	Apr. 01/79	39,317
	Apr. 01/80	42,462
	Apr. 01/81	45,859
	Apr. 01/82	50,838
	Apr. 01/83	53,888
CIVIL SERVICE MANAGEMENT GROUP	Apr. 23/78	$26,372
	Apr. 22/79	28,019
	Apr. 20/80	30,610
	Apr. 19/81	31,953
	Apr. 01/82	34,807
	Apr. 01/83	37,436

Source: Nova Scotia Civil Service Commission, November 1, 1983

Appendix D
Table D-6

CONSUMER PRICE INDEX FOR CANADA (All items)
1978-1983

(1981 = 100)

December 1978	76.5
December 1979	84.0
December 1980	93.4
December 1981	104.7
December 1982	114.4
August 1983	118.5

Cumulative Increase: December 1978 to August 1983:
42 index points or 54.9%

December 1982 to August 1983:
4.1 Index points or 3.6%

Annual Increase: December 1981 to December 1982:
9.7 Index points or 9.3%

August 1982 to August 1983:
6.2 Index points or 5.5%

Source: Statistics Canada, The Consumer Price Index,
Catalogue 62-001, August 1983, Table 2, p. 9

Principles Relating to Remuneration and Support for Members and Ministers

Identified in Previous Reports of Commissions of Inquiry in Nova Scotia in 1977 and 1982

The primary rewards in an active life of service to the public are the opportunity to serve and contribute to the resolution of social problems and to the improvement of life for all in the province. In our meetings and discussions with elected members, and former members, we have been impressed with this vision by those who so serve, and by the sincerity with which they approach their task. As in an earlier report, we again underline our considered view that over the years Nova Scotia has been singularly blessed by the willingness of able people to take their part in public life. Many have done so at considerable personal sacrifice for themselves and their families. In recent years, as at other times when remuneration for service in office has fallen behind escalating costs, many have served at substantial financial cost to themselves both in direct costs exceeding their remuneration, sometimes to the extent of several thousands of dollars, and indirect losses of income that might be derived from business, professional practice or other activities if time were not so committed to service in government, the legislature and to constituents.

At any time the financial and other circumstances of life for members elected to the legislature will vary on a personal, individual basis. Fortunately, our legislators do not fit any mold and they represent constituencies which vary in size, in economic circumstances and in social standards. From a variety of backgrounds across the province they together provide assurance that our democratic processes ultimately will work to serve our own long-run interests.

While there is no "standard" M.L.A., we have the task of assessing standards for their remuneration. In our view, that task involves developing a standard for fair and reasonable indemnities, allowances and salaries based on certain principles. Those principles enunciated in previous reports include:

1) remuneration should be adequate in light of the time and responsibilities involved in office, and the risks of disruption of career and personal opportunities so that our political parties and their leaders, upon whom parliamentary government depends, may attract the most able persons among us to seek office and not deter the best of those elected from accepting and continuing full-time service in government;

2) remuneration should be reasonable so that the person who has no personal financial resources except through his vocational earnings, which may be terminated or seriously affected if he is elected, is not dissuaded from seeking office to serve the province merely because of financial circumstances;

3) remuneration should be adequate to ensure that M.L.A.'s and Ministers are supported without unfair financial sacrifice upon them or their families, particularly for those in their prime earning years when family and other obligations are likely to be heavy.

Remuneration and support that is fair and reasonable will not unduly encourage anyone interested primarily in financial reward for the balanced judgment of political parties and of the electorate can be counted upon to reject those not primarily interested in public service. Nor will such remuneration result in any significant financial advantage for any elected member who happens to be comparatively well-to-do, for our progressive income tax structure precludes that result.

POOR

QUALITY

ORIGINAL